

CR 102 RULE-MAKING ORDER (RCW 34.05.320)

Department of Labor and Industries

Division of Occupational Safety and Health

CR-102 Filing Date: July 1, 2008

Hearing Dates: Tukwila: August 7, 2008, Chelan: August 8, 2008

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Attachment 1

(Purpose Statement)

NEW SECTIONS:

WAC 296-115-110, Appeal of Decisions

- The requirements in this section were previously under WAC 296-115-010, which has been repealed. These requirements were moved to a different location in the rule with a new section number to create a more logical organization for the rule.
- Changed the request for a hearing from the Director to the Assistant Director and clarified the steps involved.
- Changed the appeal venue to the BIIA to be consistent with RCW 88.04.055 for all citations **except** those regarding denial of a certificate of inspection or license, or a decision on the maximum passengers, crew or total capacity of a charter boat.
- Applied clear rule writing principles.

AMENDED SECTIONS:

WAC 296-115-005, Scope and Purpose

- Changed name from “Scope and Application” to “Scope and Purpose” to be consistent with current rule design.
- Applied clear rule writing principles.

WAC 296-115-015, Definitions

- Deleted definitions that are no longer in the rule.
- Added new terms (Assistant Director, employee, keel laid, master)
- Applied clear rule writing principles.

WAC 296-115-025, Vessel Inspection and Certification

- Changed the title from “Vessel Inspection and Licensing” for consistency within the rule and with Coast Guard regulations.
- Applied clear rule writing principles.

WAC 296-115-030, Master’s Examination and Licensing

- Removed penalty language and placed it in the penalty section (WAC 296-115-100).
- Applied clear rule writing principles.

WAC 296-115-035, Specific Inspection Requirements

- Applied clear rule writing principles.

WAC 296-115-040, Vessel Construction and Arrangement

- Applied clear rule writing principles.

WAC 296-115-050, General Requirements

- Made life preserver requirements consistent with U.S. Coast Guard regulations under 46 CFR 180.71 by adding requirement to provide an appropriate life jacket for each child-sized person on board.
- Made ring life buoy requirements consistent with U.S. Coast Guard regulations under 46 CFR 180.70(d) by adding requirement for a floating water light when operating at night.
- Applied clear rule writing principles.
- Updated fixed fire extinguishing system requirements to be consistent with U.S. Coast Guard regulations under 46 CFR 181.115 by including vessels with wood and fiber-reinforced hulls among those needed a fixed fire extinguishing system
- Deleted requirement for use of carbon dioxide in the fixed fire extinguishing systems since it is no longer commonly used.
- Updated fixed fire extinguishing system requirements to be consistent with U.S. Coast Guard regulations under 46 CFR 181.410(10) by adding a requirement for an automatic shut-down device for power ventilation.
- Added Table 1, Portable Fire Extinguishers to assist in determining the correct type of fire extinguisher needed.
- Made deck railing requirements consistent with 46 CFR 116.900(c) and (g) by changing the spacing for rails from 12 inches to 4 inches, and clarifying that hand grabs in lieu of railings are only allowed for areas designed for crew. A typographical error in a reference was also corrected.
- Made emergency portable battery light requirements consistent with 46 CFR 183.430 by clarifying minimum requirements.
- Applied clear rule writing principles.

WAC 296-115-060, Operations

- Made injury or casualty reporting requirements consistent with 46 CFR 185.202(a)(6) by clarifying types of injuries that require reporting, and adding fire on board the vessel.
- Made emergency drill requirements consistent with 46 CFR 185.520(f) by adding requirement for documentation.
- Applied clear rule writing principles

WAC 296-115-070, Rules of Navigation

- Corrected a typographical error and updated the reference number for the navigation rules.
- Updated to correct term for testing compass readings.
- Applied clear rule writing principles.

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WAC 296-115-100, Penalties for Certificate of Inspection and Operator's License

- Changed title for clarity.
- Changed penalty for owners of vessels who violate the certification and inspection provisions from \$200 to penalties provided under WISHA to be consistent with RCW 88.04.320(3).
- Applied clear rule writing principles.

WAC 296-115-120, Annual Fee Schedule

- Changed the term "license" to "certification" to use consistent terminology within the rules and to be consistent with U.S. Coast Guard requirements under 46 CFR.
- Applied clear rule writing principles.

REPEALED SECTIONS:

WAC 296-115-001, Forward

- This section was incorporated into WAC 296-115-005, Scope and Purpose, to be more consistent with the structure of our other rules.

WAC 296-115-010, Appeal of Decisions

- This section was re-numbered as WAC 296-115-110 for better organizational flow. See New Sections above.